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[Constitution as of July, 1947]

C O N S T I T U T I O N

(Fundamental Law)

of the

GEORGIAN

SOVIET SOCIALIST

REPUBLIC

of February 13, 1937

As amended through July 24, 1947

Chapter I. The Social Structure

642 Art. 1. The Georgian Soviet Socialist Republic is a socialist state of workers and peasants.

Art. 2. The political foundation of the Georgian SSR is the Soviets of Working People's Deputies, firmly established as a result of the overthrow of the power of the landlords and the capitalists and the establishment of the dictatorship of the proletariat.

Art. 3. All power in the Georgian Soviet Socialist Republic belongs to the working people of town and country as represented by the Soviets of Working People's Deputies.

471 Art. 4. The economic foundation of the Georgian SSR is the socialist system of economy and the socialist ownership of the instruments and means of production, firmly established as a result of the liquidation of the capitalist system of economy, the abolition of private ownership of the instruments and means of production, and the elimination of the exploitation of man by man.

● 421 Art. 5. Socialist property in the Georgian Soviet Socialist Republic exists either in the form of state property (belonging to the whole people) or in the form of cooperative and collective-farm property (property of collective farms, property of cooperative societies).

421 475 Art. 6. The land, its mineral wealth, waters, forests, mills, factories, mines, rail, water and air transport, banks, communications, large state-organized agricultural enterprises (state farms, machine and tractor stations and the like), as well as municipal enterprises and the bulk of the dwelling houses in the cities and industrial localities, are state property, that is, belong to the whole people.

474 421 Art. 7. The common enterprises of collective farms and cooperative organizations, with their livestock and implements, the

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474 products of the collective farms and cooperative organizations, as
420 well as their common buildings, constitute the common, socialist property of the collective farms and cooperative organizations.

Every household in a collective farm, in addition to its basic income from the common, collective-farm enterprise, has for its personal use a small plot of household land and, as its personal property, a subsidiary husbandry on the plot, a dwelling house, livestock, poultry and minor agricultural implements - in accordance with the Rules of the Agricultural Artel.

423 Art. 8. The land occupied by collective farms is secured
474 to them for their use free of charge and for an unlimited time, that is, in perpetuity.

472 Art. 9. Alongside the socialist system of economy, which is the predominant form of economy in the Georgian SSR, the law permits the small private economy of individual peasants and handicraftsmen based on their own labour and precluding the exploitation of the labour of others.

421 Art. 10. The personal property right of citizens in their incomes and savings from work, in their dwelling houses and subsidiary home enterprises, in articles of domestic economy and use and articles of personal use and convenience, as well as the right of citizens to inherit personal property, is protected by law.

185 Art. 11. The economic life of the Georgian SSR is determined
471 and directed by the state national-economic plan, with the aim of increasing the public wealth, of steadily raising the material and cultural standards of the working people, of consolidating the independence of the USSR and strengthening its power and defensive capacity.

461 Art. 12. Work in the Georgian SSR is a duty and a matter of honour for every able-bodied citizen, in accordance with the principle: "He who does not work, neither shall he eat."

The principle applied in the Georgian SSR is that of socialism: "From each according to his ability, to each according to his work."

Chapter II. The State Structure

642 Art. 13. For the purpose of mutual assistance among the Union Republics along economic and political lines, as well as along the line of defence, the Georgian SSR voluntarily united with the other equal Soviet Socialist Republics, namely:

The Russian Soviet Federative Socialist Republic,
The Ukrainian Soviet Socialist Republic,
The Byelorussian Soviet Socialist Republic,
The Uzbek Soviet Socialist Republic,
The Kazakh Soviet Socialist Republic,
The Azerbaijan Soviet Socialist Republic,
The Lithuanian Soviet Socialist Republic,
The Moldavian Soviet Socialist Republic,
The Latvian Soviet Socialist Republic,
The Kirghiz Soviet Socialist Republic,

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644 575 Art. 139. In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the Georgian SSR are guaranteed the right to unite in public organizations: trade unions, cooperative societies, youth organizations, sport and defence organizations, cultural, technical and scientific societies; and the most active and politically conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state.

[644] Art. 140. Citizens of the Georgian SSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Art. 141. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Art. 142. The Georgian SSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

Art. 143. It is the duty of every citizen of the Georgian SSR to abide by the Constitution of the Georgian Soviet Socialist Republic, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

[685] [421] Art. 144. It is the duty of every citizen of the Georgian SSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

Art. 145. Universal military service is law.

Military service in the Armed Forces of the USSR is an honourable duty of the citizens of the Georgian SSR.

Art. 146. To defend the country is the sacred duty of every citizen of the Georgian SSR. Treason to the motherland - violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage - is punishable with all the severity of the law as the most heinous of crimes.

Chapter XII. The Electoral System

666 Art. 147. Members of all Soviets of Working People's Deputies -

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

in times past, and still is preserved, with local variations. Concerning the *zedsidze*, it should be noted that he was not esteemed very much by the relatives of his foster parents, who saw in him the loss of their individual share in the inheritance. And it often happened that, after living in the family of his parents-in-law as a son and sharing their labor and hardships, the *zedsidze* was driven out without any recompense. In view of this, it is not strange that the *zedsidze* should take the precaution beforehand of having his father-in-law's property transferred legally to himself, in order to avoid these unfortunate occurrences.

In the event the head of a family died while his children were under age, the Khevsurs entrusted the management of their property to their mother's brother.

Illegitimate children among the Khevsurs had no inheritance rights. Among the Pshavs, if a man abandoned his first wife because of her sterility and took a second, the children of the latter enjoyed full inheritance rights because they were regarded as legitimate.[5] The Svans instantly killed their illegitimate children, but in case they were left alive, they were devoid of any inheritance rights from the paternal as well as the maternal side.[6]

Individual property rights of males among the Georgian Highlanders before the division of the family were very small, and in times past, were almost non-existent, except for such everyday necessities as clothing and arms; but even these things were under the control and supervision of the head-man of the group (the *mama-katsi*), when the "joint family" represented the social unit. The property of the family represented the joint ownership of all its members. The sale of the family property could take place only with the consent of all members of the family, and it had a preferential character. Among the buyers, the preference was given to the persons related to the family.

Every male member, as mentioned before, inherited a share of the family property, and at the same time he was responsible for the payment of a portion of the family debts. The refusal of his inheritance rights did not relieve him of this obligation. All male

[5] See "Divorce."
[6] Kovalevsky: a, II, 11.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

422 The individual property rights of Georgian women are strikingly similar to the property rights of women in Egypt, where the woman's property "remains generally at her disposal, and she retains in contracts the right to leave her husband and to keep her property together with the bride gift."[8]

422 428 Among the Svans,[9] the wife is the sole proprietor of her dowry and without her consent no part of it can be alienated. If arable land forms a part of the dowry, the husband has a right to make use of it only with the permission of his wife. He is nothing more than a caretaker of her property, and not her master and lord.

The property of a woman is inherited by her children. If it is not large, the only inheritor is her daughter; in the contrary case it is divided among all her children, male and female. The woman may lend her capital to a stranger at interest, and to members of her family as well. They are obliged to return it to her. If a woman dies childless, her property belongs to her parents; if they refuse to accept it, it goes to her husband.

586 589 In case of a divorce, if it is not the result of adultery, she receives her *sathavno* in full, which represents her life's security. She receives also an additional compensation.[10] The widow had full right to stay in the home of her deceased husband, or could return to her parental home, in which case she received her *sathavno* in full from the relatives of her dead husband.

Interesting facts concerning the property rights of the Georgian woman are given by E. Gabasvili[11] in an article printed in the Georgian journal, "Iveria."

2. Group Ownership—

● 421 After the discussion of individual property rights of the Georgian Highlanders, we shall review the question of group ownership. We find it expressed in the communal ownership of pasture grounds and forests and religious property.

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[8] Hobhouse: I, 183.
[9] Kovalevsky: a, II, 50.
[10] See "Divorce."
[11] Gabashvili.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

It is interesting to note the information given by Professor Kovalevsky, which exposes the group ownership of the Pshavs.[12] He relates that during his visit to the country he found an interesting combination of property rights of a nation, of the community, and of the separate family. For example, the forest was in common possession of the whole Pshav nation, the pasture ground was the property of communities which composed the nation, and the arable land was in the hands of each family, private or joint; and as there seldom was a division of the family, the property did not change hands but remained in the same family. Contrary to the Pshavs, division of the family was a general occurrence with the Khevsurs, and had as a consequence the division of property and the poverty of the people. At once, after his marriage, every Khevsur usually separates from his father and brothers and begins life for himself.[13] In contrast to this, the wealth of the Pshavs, who are not partisans of family division, was much greater than that of their neighbors. Among the Pshavs and Tushes were even such rich persons who possessed from 40,000 to 50,000 rubles, which they usually buried in the ground. As for the Khevsurs, they possess few cattle and are generally very poor.[14] Their property is very limited. A family is considered wealthy which owns as many as fourteen or fifteen cows, four or five oxen, two or three horses, and a mule. Their principal wealth is in arms, which are highly valued, and in copper vessels; money is very scarce.[15]

The government of the Georgian kingdom opposed the division of the family and favored its preservation, for it regarded the joint ownership of families as beneficial to the members of the families themselves as well as to the whole kingdom whose subjects they were. Thus, in the Georgian Code of King Vakhtang VI[16] we find passages encouraging the preservation of joint families and discouraging the partition and breaking up of family groups. The economic profit resulting from such organizations

[12] Kovalevsky: a, II, 84.
[13] Eristov: 111.
[14] Eristov: 124.
[15] Zisserman: 213.
[16] Vakhtang's Code.

6; Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

is manifest, even at the present time, in the rural life of eastern Georgia, where the primitive methods of tillage require five or six, or even more, pairs of oxen and many workmen. Instead of the joint family, which has now disappeared, economic groups are formed for the joint execution of field work, in which the prerogatives and duties of every participant are clearly defined.

As we mentioned in the beginning, group ownership among the Georgian Highlanders is manifested in the ownership of pasture ground, forests, and church property.

Pasture grounds are owned by every community jointly, and their boundaries are clearly defined and fixed. The Pshavs, who possess large flocks of sheep, amounting among wealthy men to as many as ten thousand head of animals,[17] hire the pasture ground from the Khevsurs and in other suitable places. Every member of the community in Pshavia,[18] had a right to use, after harvest, the arable land as pasture for his herds in the territory of the whole community. The pasture grounds of the Tushes represented a joint property of communities.[19]

The forests are situated in the territory of the people, as, for example, the forest on the banks of the River Alazani in Tushetia, called *otkhi thvali* (meaning "four eyes"). This forest was bought with the money of all Pshav communities, and represented the national property.[20] Upon the ownership of the forest depended the method of acquiring the arable land by the so-called *akho* (ownership by seizure), which allowed every member of the community to clear the land and cultivate it for his own benefit, without asking special permission from anybody for this action, and this portion of cleared land was regarded as his own property as long as he cultivated it. However, with the introduction of Russian rule in the Caucasus, a great portion of the forest was claimed for the Crown, and proclaimed as the property of the Imperial Government. The consequence of this was that it put an end to the ancient method of acquiring landed property by

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[17] Zisserman: 233.
[18] Machabeli: V, 386.
[19] Khakhanov: a, 43.
[20] *Ibid.*

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

seizure (*akho*). New clearings were forbidden by the government and, if made, were done so only by special permission of the authorities.

Most forests were the property of the Church. Almost every investigator or mere traveler who has visited the country of the Georgian Highlanders describes the rich virgin forests belonging to the Church. We have already mentioned such forests in Svanetia,[21] as described by Bartolomei[22] and Bakradze.[23] The same situation was found among the Khevsurs. The forests representing Church property are called by the Khevsurs, Pshavs and Tushes, *sakhato* forests, and they are usually situated around the sanctuaries or not far from them. Such forests are very easily recognized by their large old trees. No one is permitted to approach these trees or to break off their branches.

Besides the forests, the Church property consists of arable land, vineyards, flocks of sheep, and church utensils and vessels.

All members of every community are members of the local sanctuary, the arable land, and pasture grounds (*sakhato mitsebi,* of property." The property of the sanctuary (*khati*) is called *sakhato,* and consists of different buildings representing the sanctuary, the arable land, and pasture grounds (*sakhato mitsebi,* meaning "church lands"). Besides the above-mentioned property of the *khati,* there are also silver and copper vessels and utensils necessary in the brewing of beer, called *ludi,* and for church festivals. All the property of the *khati* is regarded as common property of all the *mogantzuri.* The supervision and care of the church property is entrusted to the attendants of the sanctuary—*dekanozi, khutsi, dasturi,* and others.

Almost every sanctuary in Khevsuria and Pshavia possessed large copper pots, valued at from one hundred to two hundred rubles, and used for brewing beer from barley.[24] Some sanctuaries possessed silver vessels of different form and size, with the names of the donors inscribed on them, and worth from one to

[21] See Chapter III.
[22] Bartolomei: 151-3.
[23] Bakradze: 51.
[24] Eristov: 99.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

794 422 778 twenty thousand rubles. Dr. Radde (1878) relates that he found silver vessels in a sanctuary in Khevsuria valued at fifteen hundred rubles. "Diese gefaesse bilden den hauptsaechlichsten Reichtum des heidnischen Tempels. Im vorliegenden Falle konnte ich sie wohl auf einen Worth von 1500 Rubel schaetzen."[25] Concerning the Pshav sanctuary *Lashris jvari,* Klaproth writes (1808):[26] "It is said to contain many golden images of saints, crosses and church utensils, for to this place the Pshavs and Tushes bring all the gold and silver that fall into their hands." All this wealth is in the custody of the *dekanozi,* who preserve them in well-hidden pits. About the same sanctuary Prince Vakhusht writes (1789):[27] "In Pshavia is a church erected by Kink Lasha, where there are preserved a great number of gold and silver icons (holy images), crosses, vessels and books. They call this church *Lashris-jvari,* and hold it in great veneration. There is not one Pshav or Khevsur who will keep gold and silver for himself; he has no right to it, but must present it to the church of *Lashris-jvari.*"

421 794 471 794 Besides the above-named vessels and utensils, the sanctuaries also possessed vineyards,[28] which were situated in the Georgian province of Kakhethi, famous for its excellent varieties of wine. The wine from these vineyards, called *kulukhi,* is used for the church festivals, where enormous quantities of beer and wine are consumed by the thirsty throats of the mountaineers. These drinking orgies always end in fighting and brawling.

The purchase of a vineyard or other necessary properties for the sanctuary was made in the following manner: the *khevis-beri* of one of the sanctuaries called the people together on the meeting grounds and announced his wish to them concerning the purchase of a vineyard or some other property for the sanctuary, and asked them to make the assessments of money among themselves for this purpose. The necessary funds were contributed promptly and willingly by the community and given to *khevis-beri,* who arranged the purchase.

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[25] Radde: c, 259.
[26] Klaproth: a, 396.
[27] Vakhusht: 109-10.
[28] Zisserman: 233; Eristov: 99, 108.

6: Grigolia E-4, 5 (no date) 1939 RI1 Georgia RI1

The barley for the preparation of the beer is brought by all members of the community where the sanctuary is situated, and is kept in stock in a special building of the sanctuary called *begeli*. And for numerous sacrifices brought during Church festivals, the sanctuary of *Thamar-mepe* even possesses a large flock of sheep, the shepherds of whom are appointed from the members of the congregation, for a period of one year, and are subject to many taboos and regulations, which they must obey during that period.

Any violation of group or private property is regarded as a crime, and in its prosecution the principal matter is the restitution of material damage.